REMARKS

Claims 1 through 42 are pending in the present application. Applicant proposes amending claims 1, 6, 12, 13, 18, 23, 24, 29, 33, 34, 36, 38, and 42. Support for the amendments may be found in the specification at paragraphs 0044, 0048, and 0049.

In the Office Action issued on July 27, 2007 (the "Office Action"), claims 12, 23, 32 and 33 were objected to for various alleged informalities. Claims 1-8, 11-20, 23-25, 28-39 and 42 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated. Claims 9-10, 21-22, 26-27 and 40-41 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious.

Reconsideration of the present application is respectfully requested in view of the above amendments and following remarks.

Telephone Interview

The undersigned wishes to thank Examiner Kumar for granting the telephonic interview of September 27, 2007.

During that interview, an amendment to claim 1 consistent with the amendment proposed herein was discussed. The Applicant raised distinctions between the claim language and the cited references. The remarks submitted herein are consistent with the discussion during the interview.

The Examiner agreed to give further consideration to the pending claims upon submission of a written reply.

Claim Objections

Claims 12, 23, 32 and 33 stand objected to due to alleged informalities. Applicant proposes amending claims 12, 23, 32, and 33 in order to correct these informalities.

Withdrawal of the rejections is respectfully requested.

Prior Art Rejections

Claims 1-8, 11-20, 23-25, 28-39 and 42 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over US patent publication 2002/0021289 A1 (hereinafter "Combs"). Claims 9-10, 21-22, 26-27, and 40-41 stand rejected under 35 U.S.C. § 103(a) as

allegedly being unpatentable over Combs in view of U.S. patent publication 2002/0015024 (hereinafter "Westerman"). Applicant respectfully requests reconsideration.

Claim 1 recites:

> A user interface control, comprising:
> a touchpad control **having a touch-sensitive surface comprising the shape of an arc**, the touch sensitive surface comprising a first region associated with a first set of functionality, **wherein the touchpad control is configured to detect a touch within the first region and to select a degree of functionality dependent upon a relative location of the touch within the first region**.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The undersigned respectfully submits that Combs does not teach the emphasized claim language, and even in combination with Westerman cannot possible teach or even suggest entirety of the recited claim language.

Combs discloses a computing system with a touchpad 19 and two joysticks 20(a), 20(b). The touchpad control 19 includes the touchpad surface 110 and the touchpad sensor 122, which is configured in such a manner that pressure on or near the pad surface 100 by a finger or stylus 21 allows the sensor 122 to detect the location of the touch (see paragraph [0089] and FIG. 2F). As clearly shown in Fig. 2A, the touchpad surface 110 of the touchpad 19 is substantially in the shape of a *rectangle*. In contradistinction to claim 1, the touchpad surface of Combs does ***not*** "comprise the shape of an arc." While the physical enclosure 100 of the touchpad 19 and joysticks 20a, 20b may have curved edges, the touchpad surface110 itself is substantially rectangular, and not "in the shape of an arc" as recited in Applicant's Claim 1.

Combs also does not teach or suggest a "touch sensitive surface comprising a first region associated with a first set of functionality, **wherein the touchpad control is configured to detect a touch within the first region and to select a degree of functionality dependent upon a relative location of the touch within the first region**." In Combs, the touchpad surface includes a default template graphical design inscribed on the touchpad

surface 110. (See Fig. 2A). The template graphical design includes images, each of which correspond to a different function. For example, the template graphical design includes images of buttons entitled "enter", "exit", "pause", "previous", "next" and four different arrow keys indicating up, down, right, or left. (See Fig. 2A, paragraph 0082). In connection with the operation of these button images, Combs does not teach or even suggest the possibility of "select[ing] a degree of functionality dependent upon a relative location of the touch within the first region." For example, in Combs, the function corresponding to the "enter" image performs only one level of function (i.e., "entering"). The degree of function performed does not change depending where on the "enter" button a user may depress. Combs simply does not teach or suggest different degrees of functionality depending upon a relative location of the touch within the first region."

Westerman does not make up for the deficiencies of Combs. Westerman discloses an apparatus for simultaneously tracking multiple finger and palm contacts as hands approach, touch, and slide across a proximity-sensing multi-touch surface. (Westerman, Abstract). In the system disclosed by Westerman, combinatiorial optimization modules associate each contact's path with a particular fingertip, thumb, or palm of either hand on the basis of biomechanical constraints and contact features. (*Id.*) Classifiction of intuitive hand configurations and motions enables integration of typing, resting, pointing, scrolling, 3D manipulation, and handwriting into a computer input device. (*Id.*)

Westerman does not teach or suggest the limitation "the touch sensitive surface comprising a first region associated with a first set of functionality, **wherein the touchpad control is configured to detect a touch within the first region and to select a degree of functionality dependent upon a relative location of the touch within the first region**." Westerman's multi-touch surface apparatus senses the touch and motions of multiple touch devices (such as fingertips, palms, etc) on the multi-touch surface, and converts these to codes usable by other electronic devices.(Westerman, paragraphs 0041-0045). However, Westerman does not teach or suggest use of the codes for mapping to a "degree" of a common functionality. Instead, each code appears to be used for mapping to completely different functions.

Therefore, because neither Combs nor Westerman teach the recited claim language, claim 1 is not anticipated by or rendered obvious by the Combs and/or Westerman. For

similar reasons, the remaining independent claims and all dependent claims are not anticipated by or rendered obvious over Combs and/or Westerman. Withdrawal of the rejections under 35 U.S.C § 102(a) and 103(a) is respectfully requested.

CONCLUSION

The undersigned respectfully submits that pending claims are allowable and the application in condition for allowance. A Notice of Allowance is respectfully solicited.

Examiner Kumar is invited to call the undersigned in the event a telephone interview will advance prosecution of this application.

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